

**Kim-Ly Geun**  
Applicant

**Tasty Food Pty Ltd**  
Respondent

*Repeat as necessary for additional parties*

**Form 5 Small claim under the Fair Work Act 2009**

Fair Work Division  
Rule 30.11(b)

<b>Part A – Details of employee or outworker</b>	
1. Name	Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input checked="" type="checkbox"/> Other <input type="checkbox"/> (give details): ..... Family name: <b>Geun</b> Given names: <b>Kim-Ly</b>
2. Address	<b>12 Lane Street</b> <b>Oldtown NSW</b> <span style="float: right;">Postcode: <b>2111</b></span>
3. Phone	Business hours: (.....)..... After hours: <b>(02) 2299 XXXX</b> Mobile: <b>0512 888 XXX</b>
4. Date of birth	<b>12/09/1982</b>
5. First language	<input type="checkbox"/> English <input checked="" type="checkbox"/> Other (specify): <b>Korean</b> Does the applicant require an interpreter? No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> If Yes, what language: .....

**Part B – Details of employer or outworker entity**

6. Name of employer or outworker entity	<b>Tasty Food Pty Ltd t/as the Golden Goose</b>
7. Address or registered office	<b>233 New Street</b> <b>Surry Hills NSW</b> Postcode: <b>2010</b> Phone: <b>(02) 3521 XXXX</b> Fax: <b>(02) 3521 XXXX</b>

**Part C – If the applicant is an individual – details of representation**

8. Is an organisation such as a union, acting on your behalf?	<input checked="" type="checkbox"/> No - go to 15 <input type="checkbox"/> Yes - go to 9
9. Name of organisation	
10. Address	..... .....Postcode: .....
11. Contact person	Name: ..... Phone: (.....)..... Fax: (.....).....

**Part D – If the applicant is an industrial association – details of representation**

12. Is a member, officer or employee of the applicant representing it?	<input type="checkbox"/> No - go to 15 <input type="checkbox"/> Yes - go to 13
13. Name of the member, officer or employee	
14. Address	..... .....Postcode:.....

	Phone: (.....).....
	Fax: (.....).....

### Part E – Notices from the Court

15. Where do you want notices from the Court sent?	<input checked="" type="checkbox"/> address in 2 <input type="checkbox"/> organisation in 9-11 <input type="checkbox"/> address in 13-14 <input type="checkbox"/> other (give details): .....
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### Part F – Details of work performed by employee or outworker

16. Occupation	<b>Waitress</b>
17. Work or services performed	<b>Food and beverage service</b>
18. Duties <i>A brief summary of the employee or outworker's duties</i>	<ul style="list-style-type: none"> <li>• <b>Take orders</b></li> <li>• <b>Serve food and beverages</b></li> <li>• <b>Order and replace bar stock</b></li> <li>• <b>Clear tables</b></li> </ul>
19. Classification level under applicable Modern Award, enterprise agreement, workplace determination or contract	<b>Food and beverage attendant grade 2, under the Restaurant Industry Award 2010.</b>
20. Place of work or services	<b>233 New Street Surry Hill NSW</b>  Postcode: <b>2010</b>
21. Period of employment or outworker contract	Date started work: <b>02/06/2010</b> Last date worked: <b>27/06/2013</b> <i>if employment or outworker arrangement terminated</i>

22. If the employee's employment or the outworker's contract was terminated, was a written notice of dismissal or termination given?	<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes - copy attached																								
23. Employment status	<input checked="" type="checkbox"/> full-time <input type="checkbox"/> part time <input type="checkbox"/> casual <input type="checkbox"/> fixed term <input type="checkbox"/> seasonal <input type="checkbox"/> outworker																								
24. Hours of work	<p>Did the employee or outworker work regular hours?</p> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <p>If Yes, complete the following:</p> <table border="1" data-bbox="576 996 1463 1624"> <thead> <tr> <th>Day</th> <th>Start time (state am or pm)</th> <th>Finish time (state am or pm)</th> </tr> </thead> <tbody> <tr> <td>Monday</td> <td>3:00pm</td> <td>11:30pm</td> </tr> <tr> <td>Tuesday</td> <td>3:00pm</td> <td>11:30pm</td> </tr> <tr> <td>Wednesday</td> <td>3:00pm</td> <td>11:30pm</td> </tr> <tr> <td>Thursday</td> <td>3:00pm</td> <td>11:30pm</td> </tr> <tr> <td>Friday</td> <td>3:00pm</td> <td>12:00am</td> </tr> <tr> <td>Saturday</td> <td></td> <td></td> </tr> <tr> <td>Sunday</td> <td></td> <td></td> </tr> </tbody> </table>	Day	Start time (state am or pm)	Finish time (state am or pm)	Monday	3:00pm	11:30pm	Tuesday	3:00pm	11:30pm	Wednesday	3:00pm	11:30pm	Thursday	3:00pm	11:30pm	Friday	3:00pm	12:00am	Saturday			Sunday		
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### Part G – Contravention alleged

25. The applicant alleges that the	<input checked="" type="checkbox"/> one of the National Employment Standards <i>Please specify the standard:</i>
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employer or outworker entity has breached:  
*(select one or more as appropriate)*

- **Annual leave**
- **Notice of termination**
- **Redundancy pay**

a term of a Modern Award

*Please specify the Modern Award and the relevant term:*

**Restaurant Industry Award 2010**

- **Clause 35.2(a) – payment for untaken annual leave**
- **Clause 35.2(b) – payment for leave loading at 17.5%**
- **Clause 16.1 – notice of termination**
- **Clause 17.1 – redundancy pay**

an enterprise agreement

*Please specify the enterprise agreement and the relevant term:*

.....

a workplace determination

*Please specify the determination and the relevant provision:*

.....

a national minimum wage order

*Please specify:*

.....

an equal remuneration order

*Please specify:*

.....

a safety net contractual entitlement

*Please specify:*

.....

other

*Please specify: .....*

## Part H – Remedy sought

26. Tick the box for each sort of claim you are making and insert the amount claimed

<input type="checkbox"/> wages	\$
<input type="checkbox"/> overtime rate	\$
<input type="checkbox"/> penalty rate	\$
<input type="checkbox"/> allowances	\$
<input checked="" type="checkbox"/> leave	
<input checked="" type="checkbox"/> annual	<b>\$2,858.64</b>
<input type="checkbox"/> personal/carer's	\$
<input type="checkbox"/> compassionate	\$
<input type="checkbox"/> jury service	\$
<input checked="" type="checkbox"/> other (please identify):	<b>\$500.26</b>
<b>Leave loading</b>	
<input type="checkbox"/> public holiday	\$
<input checked="" type="checkbox"/> redundancy pay	<b>\$4,653.60</b>
<input type="checkbox"/> superannuation claim	\$
<b>Total</b>	<b>\$8,012.50</b>

27. To whom should any compensation be paid?

**Kim-Ly Geun**

**Part I – details of claim**

Describe the basis for the claim for each of the boxes ticked in Question 26 and the method of calculation of the amount claimed.

Attach an extra sheet if required

**Annual leave:**

**Division 6 of the Fair Work Act 2009**

**Clause 35.2(a) of the Restaurant Industry Award 2010**

**$(\$664.62 \times 4.3 \text{ weeks}) = \$2,858.64$**

**Leave loading:**

**Clause 35.2(b) of the Restaurant Industry Award 2010**

**$(17.5\% \times \$2858.64) = \$500.26$**

**Redundancy pay:**

**Division 11 of the Fair Work Act 2009**

**Clause 17.1 of the Restaurant Industry Award 2010**

**$(\$664.62 \times 7 \text{ weeks}) = \$4,653.60$**

**Signature of applicant or authorised representative**

**Kim-Ly Geun**

Signed by (print name) **Kim-Ly Geun**

the applicant

authorised representative of the applicant

Date: **28/08/2013**

Form approved by the Chief Judge pursuant to subrule 2.04(1) for the purpose of subrule 30.11(b)

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